

Decision 05-08-023 August 25, 2005

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the Application of AMY TRANSPORTATION, LLC, for passenger stage authority under § 1031, et. seq., of the California Public Utilities (PU) Code, to establish door-to-door shuttle service between LAX or SNA and points in Los Angeles and Orange counties, on the one hand, and to transport passengers and baggage express, on an on-call, county-to-county© fare basis, between the counties of San Diego, Orange, Los Angeles, Santa Clara, San Francisco, Alameda, Sacramento, Fresno, and Kern, on the other hand; and to establish a Zone of Rate Freedom (ZORF) under § 454.2, et. seq., of the PU Code.

Application 05-03-007  
(Filed March 7, 2005)

**O P I N I O N**

**Summary**

This decision grants the application of Amy Transportation, LLC (Applicant), a limited liability company, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, and to establish a zone of rate freedom (ZORF), pursuant to Pub. Util. Code § 454.2.

**Discussion**

The application requests authority to transport passengers, their baggage, and express as a PSC. Applicant proposes to provide two distinct services. One is on-call, door-to-door transportation between points in Los Angeles and

Orange Counties, on the one hand, and Los Angeles International Airport (LAX) and John Wayne Airport (SNA), on the other hand. The second proposed service is on-call, "county-to-county" transportation between points in the Counties of San Diego, Orange, Los Angeles, Santa Clara, San Francisco, Alameda, Sacramento, Fresno, and Kern. Applicant already holds a certificate from the Commission to operate as a charter-party carrier (TCP-17980-A).

While Applicant desires to serve the public in general, it views its customer base as primarily Asian families and businesspeople, particularly the Chinese and Vietnamese speaking communities. It states that this customer base continues to grow as the number of flights between Asia and California airports increases. Applicant believes these communities are underserved in the transportation services currently available to them. It hopes to meet their transportation needs by offering a competitive, comprehensive transportation package. This includes local airport transportation as well as a transportation service between counties that offers flexible pickup and drop-off points. Vehicles will be operated by Applicant's bilingual owner-members.

Applicant indicates that it has the necessary equipment and other resources, and is ready, willing and able to provide the proposed services. It will operate with a fleet of 10 vehicles. Seven-passenger vans will be used to provide the local door-to-door service while larger 15-passenger vans will be utilized in the county-to-county operation. Attached to the application as Exhibit D is an unaudited balance sheet as of January 4, 2005, that discloses assets of \$623,000, liabilities of \$314,000, and net worth of \$309,000. Applicant states that its owner-members will contribute any additional resources necessary to operate and ensure the viability of the service.

The proposed fares, as shown in Exhibit B of the application, range between \$10 (San Francisco – points in Alameda County) and \$155 (Hi Vista

(near Lancaster) – SNA). Applicant requests authority to establish a ZORF of \$20 above and below any of the proposed fares. The minimum fare will be \$5.

Applicant will compete with other PSCs, public transit, taxicabs, limousines, and private automobiles in its service area. This highly competitive environment should result in Applicant pricing his services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 10, 2005. Applicant requests a waiver from the provisions of Rule 21 of the Commission's Rules of Practice and Procedure which require service of a notice of the application on all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a notice to the involved counties and airports, five cities, and four public transit operators in the service area. Applicant states that all parties that have an interest in Commission proceedings subscribe to or have access to the Commission's Daily Calendar. We shall exercise the discretion accorded to us by Rule 87 and grant the waiver requested by Applicant because it will be providing on-call service, not scheduled service, and service on all cities in the service territory would be burdensome.

In Resolution ALJ 176-3149 dated March 18, 2005, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3149.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Applicant requests authority to operate as a PSC to transport passengers, their baggage, and express on an on-call basis (1) between points in Los Angeles and Orange Counties, on the one hand, and LAX and SNA, on the other hand; and (2) between points in the Counties of San Diego, Orange, Los Angeles, Santa Clara, San Francisco, Alameda, Sacramento, Fresno, and Kern.

2. Applicant requests authority to establish a ZORF of \$20 above and below any of the proposed fares shown in Exhibit B of the application. The minimum fare will be \$5. Applicant will compete with other PSCs, public transit, taxicabs, limousines, and private automobiles in its operations. The ZORF is fair and reasonable.

3. Public convenience and necessity requires the proposed service.

4. No protest to the application has been filed.

5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The request for a ZORF should be granted.

3. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

4. Since the matter is uncontested, the decision should be effective on the date it is signed.

5. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

## **O R D E R**

### **IT IS ORDERED** that:

1. A certificate of public convenience and necessity (CPCN) is granted to Amy Transportation, LLC (Applicant), a limited liability company, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers, their baggage, and express between the points and over the routes set forth in Appendix PSC-17980, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.

- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
  - g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
  - h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
- 3. Applicant is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$20 above and below any of the proposed fares shown in Exhibit B of the application. The minimum fare will be \$5.
- 4. Applicant shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.
- 5. Applicant may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.
- 6. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.
- 7. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.
- 8. The CPCN to operate as PSC-17980, granted herein, expires unless exercised within 120 days after the effective date of this order.
- 9. The Application is granted as set forth above.

10. This proceeding is closed.

This order is effective today.

Dated August 25, 2005, at San Francisco, California.

MICHAEL R. PEEVEY

President

GEOFFREY F. BROWN

SUSAN P. KENNEDY

DIAN M. GRUENEICH

JOHN A. BOHN

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-17980

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.



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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

Amy Transportation, LLC, a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers, their baggage, and express on an on-call basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. In providing service on Route 1, no passengers shall be transported except those having a point of origin or destination as described in Section IIA or IIB.
- D. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREAS.

- A. All points in the Counties of Los Angeles and Orange.
- B. Los Angeles International Airport (LAX)  
John Wayne Airport (SNA)
- C. All points in the Counties of Counties of San Diego, Orange, Los Angeles, Santa Clara, San Francisco, Alameda, Sacramento, Fresno, and Kern.

SECTION III. ROUTE DESCRIPTIONS.

Route 1

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any point described in Section IIB.

Route 2

Commencing from any point described in Section IIC, then over the most convenient streets and highways to any other point described in Section IIC.